

TITLE 10**ANIMAL CONTROL****CHAPTER**

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3. FERAL CATS.
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CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
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- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals running at large.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence or place of business without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. Any person aggrieved by the health officer's decision in any such case may appeal the same to the city council. (1970 Code, § 3-102, modified)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1970 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition and wholesomeness for food if so intended. (1970 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1970 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise inhumanely abuse or injure any dumb animal or fowl. (1970 Code, § 3-106)

10-107. Seizure and disposition of animals running at large. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the city council. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance.

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs.
- 10-205. Noisy dogs prohibited.
- 10-206. Seizure and disposition of dogs running at large.
- 10-207. Seizure and disposition of dogs suspected of being rabid.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Fees.
- 10-210. Violation and penalty.
- 10-211. Prohibited dogs.
- 10-212. Written notice.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114). (1970 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1970 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person to permit any dog owned by him/her or under their control to run at large within the corporate limits. Any person permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (as replaced by Ord. #10-1131, May 2010)

10-204. Vicious dogs. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons.

¹State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

- (1) Definitions. (a) "Vicious dog" is:
- (i) Any dog with a known propensity, tendency or disposition or whose conduct indicates the same, to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals, or
 - (ii) Any dog which without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animals; or
 - (iii) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting;
- (b) "At-large" is: Any dog which is unattended and/or unrestrained and/or unconstrained on the property of someone other than its owner.
- (2) Responsibilities of the owner of the vicious dog. (a) The owner of a vicious dog shall not permit the dog to go unconfined.
- (b) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen structure must have secure sides and a secure top attached to the sides which shall be made of nine (9) gauge wire, or stronger, and inspected and approved by the animal control officer. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. This structure must be at least ten feet (10') from an adjoining property owner's property; this structure shall leave an outer fence three feet (3') from the interior fence constructed of at least the same gauge material.
- (c) Leash and muzzle. The owner of a vicious dog shall not allow or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of an adult. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- (d) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.
- (e) Insurance. Owners of vicious dogs must provide proof to the city recorder of liability insurance in the amount of at least fifty thousand dollars (\$50,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog.
- (3) Observation, seizure, impoundment and the disposition of vicious dogs. (a) In the event that a vicious dog is found at large and unattended on the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the

animal control officer or the chief of police, be destroyed if it cannot be confined or captured.

(b) (i) Upon the complaint of an individual that a person is keeping a vicious dog on the premises in the City of Rockwood, the animal control officer shall investigate, and if after investigation the dog is not contained by standards found § 10--204(2)(b), the facts indicate that the person named in the complaint is keeping a vicious dog in the city, the animal control officer may enter upon private premises in order to seize any such vicious dog, whether running at large or not. An animal so seized shall be impounded for a period of seven (7) days. A written notice of impoundment shall be given by the animal control officer to the person keeping the vicious dog, and shall be served personally or by certified mail.

(ii) A citation or warrant shall also be served on the keeper of said vicious dog pursuant to the provisions found in this code.

(c) Hearing on impoundment destruction. The owner of an impounded dog shall have the right to appear at a hearing to contest the impoundment, and/or defend the charges set forth in the citation issued to him or her.

(i) The hearing shall be before the Rockwood City Judge, and shall be conducted as are other matters in municipal court. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(ii) After considering all the relevant evidence; the city judge shall issue a decision and may order the destruction of the impounded dog, or may release the dog to its owner, conditioned upon the owner complying with the requirements set forth in this section or with any other requirements necessary to protect the public health or safety. The judge shall also determine if the owner of said vicious dog has violated the provisions hereof and issue an order accordingly.

(iii) If the owner of an impounded dog fails to appear at the hearing, the dog shall be destroyed.

(d) The animal control officer of the City of Rockwood shall have the authority to enforce this chapter without a warrant or citation if he or she observes a violation occurring in his or her presence.

(e) Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner, pending the outcome of the hearing. All such cost of impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the city.

(4) Vicious dog exemptions. (a) The prohibitions contained in this section shall not apply to the keeping of vicious dogs in the following circumstances:

(i) The keeping of guard dogs, at both commercial establishments and residences, under the following provisions: Guard dogs must be kept within a structure of fixed enclosures at all times, and any guard dog found at large may be processed as a vicious dog pursuant to this section. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," or "vicious dog," and the owner of such premises shall inform the chief of police that a guard dog is on duty at said premises. Any gate to any fence enclosing guard dog shall be kept closed when persons are located upon the property housing them.

(ii) Animals under the control of a law enforcement officer or military agency.

(5) Penalty provisions. It shall be unlawful for anyone to harbor or maintain or own a vicious dog as defined herein violation of or in noncompliance with the provisions hereof, and anyone who shall do so shall be subject to the fees set forth in § 10-209. (as amended by Ord. #07-1097, Jan. 2007, deleted by Ord. #09-1113, Sept. 2015, and added by Ord. #12-52, Dec. 2018 **Ch3_6-18-19**)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1970 Code, § 3-205)

10-206. Seizure and disposition of dogs running at large. Any dog found running at large shall be seized by the animal/litter control officer or by any police officer and confined in a suitable place provided or designated by the city council. If such dog is wearing a tag, the owner shall be notified by a telephone call or by a post card addressed to his last-known mailing address or by a written notice posted in three or more conspicuous public places in the city to appear within three (3) days and redeem his dog or the same will be humanely destroyed or otherwise disposed of by the animal/litter control officer. If the dog is not wearing a tag, it may be humanely destroyed or otherwise disposed of unless legally claimed by the owner within three (3) days. No dog shall be released in any event from the pound unless and until it has been registered, vaccinated, and had a tag placed on its collar. (1970 Code, § 3-206, as amended by Ord. #1024, Oct. 1998)

10-207. Seizure and disposition of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the poundmaster, health officer, or chief of police may cause such dog to be seized

and/or confined or isolated for observation for up to two (2) weeks. If such dog is found to be rabid, it will be humanely disposed of. If such dog is found not to be rabid it shall be released to its owner upon his payment of any expenses incurred by the city on his behalf. If upon reasonable notice the dog's owner refuses to pay such costs the dog shall be humanely destroyed or otherwise disposed of.¹ (1970 Code, § 3-207)

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.

10-209. Fees. The following fees are hereby prescribed and shall be collected by the city:

Impounding a dog:

First offense..... \$25.00
Second and subsequent offenses..... \$50.00

Plus the cost of spaying or neutering for adoption. (1970 Code, § 3-208, as amended by Ord. #1024, Oct. 1998, modified)

10-210. Violation and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

10-211. Prohibited dogs. It shall be unlawful for any person to own or keep, within the city limits of the City of Rockwood, the following: coyotes, wolves, dingos, or wild hybrids. (as added by Ord. #09-1113, Sept. 2015)

10-212. Written notice. The owner must give written notice of the vicious dog determination to the United States Post Office (local branch), and all utility companies which provide services to the premises where the dog is kept. The owner shall provide a copy of such notice to the animal control officer within thirty (30) days. (as added by Ord. #09-1113, Sept. 2015)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

CHAPTER 3

FERAL CATS

SECTION

- 10-301. Definition of a feral cat.
- 10-302. Health hazard.
- 10-303. Animal control officer.
- 10-304. Kennel.
- 10-305. Notice of abatement.
- 10-306. Cat hoarding.
- 10-307. Running at large prohibited.
- 10-308. Right to appeal.
- 10-309. Violations and penalties.

10-301. Definition of a feral cat. A feral cat means any cat living in the wild in an untamed state or having been abandoned by owners or the off-spring of an animal abandoned by its owners, and existing as a wild, undomesticated animal with poor socialization skills. (as added by Ord. #11-65, Feb. 2013)

10-302. Health hazard. Commonly known as a stray cat, feral cat and the cat colonies it can inhabit may become a health hazard due to trespassing on private and public properties, instigating aggression with other feral and domesticated cats, littering of trash receptacles, noise, increase in the reproduction of fleas, lice and other diseases, creating unsanitary conditions due to excrement and urine, disease and death of the animal(s). (as added by Ord. #11-65, Feb. 2013)

10-303. Animal control officer. The animal control officer is any person who has been appointed by the Mayor of the City of Rockwood for the purpose of administering the provisions of this chapter and others chapters under title 10. The animal control officer is empowered to enter upon private or public property to rescue, retrieve, round-up, coral, or humanely trap any animal which is roaming at large on private or public property. The animal control officer is not empowered to enter any residence without first obtaining a warrant. (as added by Ord. #11-65, Feb. 2013)

10-304. Kennel. Any person shall not keep or maintain on their private property more than five (5) animals, including but not limited to cats without being approved and registered as a kennel, operating in a commercial zone. Any residence having five (5) or more cats shall be considered a kennel and shall be in violation of this ordinance. An exception may be made by the animal control officer if all the cats are contained within the residence; all have up-to-date

rabies vaccinations, appear to be clean and fed appropriately, have been neutered, and the residence is fit for human habitation. All exceptions to the over five (5) cat limit shall be filed at city hall. If, at any, time, the conditions change within the dwelling to the health and welfare of the cats or the owner, appropriate action may be taken by the animal control officer and he/she may revoke the exemption and proceed with the appropriate seizure of cats and penalties, if warranted. (as added by Ord. #11-65, Feb. 2013)

10-305. Notice of abatement. The animal control officer may file a notice of abatement on a renter or owner who has cat colonies running at large. A cat colony is more than five (5) free roaming cats. A notice of abatement shall give the owner or renter of the property the right to dispose of the cats within a specified period of time. It shall then be the responsibility of the individual to whom a notice of abatement is given to get rid of the cat colonies. If the abatement is not done, a municipal court order shall be obtained and the animal control officer shall trap and remove the colonies. The owner/renter shall pay for all removal costs, court costs and fines. (as added by Ord. #11-65, Feb. 2013)

10-306. Cat hoarding. The animal control officer shall have the authority to investigate cat hoarding. Cat hoarding involves an individual acquiring more than five (5) cats that are not free roaming but contained within a dwelling. Cat hoarding may contribute to significant health problems due to cat fleas, excrement, urine and other issues. The animal control officer is empowered to investigate all complaints and reports of potential health issues, animal cruelty or hoarding cases. If a hoarding instance is found, a warrant may be obtained by the animal control officer to remove all of the cats from the home to be disposed of as the judge orders. Fines and penalties must be paid by the hoarder as well as any clean-up costs incurred by the city or costs to the local shelter. (as added by Ord. #11-65, Feb. 2013)

10-307. Running at large prohibited. It shall be a violation of this ordinance to allow any cat to roam freely onto public properties, rights-of-ways or on adjacent properties not in the ownership of the cat's owner. Any cat found to be roaming freely off the owner's property or a feral cat with no known owner may be picked up at will by the animal control officer and taken to the local shelter. Traps may also be set by the animal control officer on public property or on private property with the owner's consent. (as added by Ord. #11-65, Feb. 2013)

10-308. Impounded cats. Any impounded cat taken to the local animal shelter by the animal control officer shall be held for at least three (3) days before being humanely euthanized or offered for adoption. If the cat is determined to be diseased or severely injured, the animal may be euthanized immediately. (as added by Ord. #11-65, Feb. 2013)

10-309. Right to appeal. Any owner has a right to appeal to municipal court to have an animal returned. The appeal must be filed within three (3) days of the animal's capture. At the time of appeal, the animal control officer shall notify the shelter of the appeal. While an appeal is being made the shelter may not euthanize the animal or offer it for adoption. After a hearing, the owner may redeem the animal by paying a fine, court costs and shelter costs. Or, the municipal judge may order an animal to be euthanized or offered for adoption by the shelter. (as added by Ord. #11-65, Feb. 2013)

10-310. Violations and penalties. Violations of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #11-65, Feb. 2013)

CHAPTER 4

INTERFERENCE WITH ENFORCEMENT

SECTION

10-401. Interference with enforcement.

10-401. Interference with enforcement. (1) It shall be unlawful for any person to knowingly hinder, resist or oppose the animal control officer or other properly designated officer or official in the performance of his or her duties.

(2) It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by the City of Rockwood or to molest or release any animal caught therein.

(3) Any person found in violation of any provision of this chapter maybe cited to city court subject to fines and court costs. Fines may be up to fifty dollars (\$50.00) for each violation. (as added by Ord. #12-10, June 2015)